

# Congo, Democratic Republic of (Kinshasa)

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## Freedom of the Press

Press freedom conditions in the Democratic Republic of Congo (DRC) improved slightly in 2013, as restrictive legal mechanisms were used less frequently against journalists, and media workers were, in general, subject to fewer violent attacks. However, the situation in the conflict-ridden east remained extremely difficult and dangerous for journalists.

The 2005 constitution and the country's laws provide for freedom of speech, information, and the press, but these rights are limited in practice by President Joseph Kabila's government and various nonstate actors. In past years, criminal defamation and libel laws were regularly used to detain and intimidate journalists and to shut down media outlets; such laws were used to a lesser extent in 2013. In February, the editor of the Kinshasa private daily *La Colombe*, Joachim Diana, was arrested and imprisoned on the execution of a judgment rendered against him in late December 2012. After publishing an investigative piece on a hospital run by a Chinese entrepreneur, Diana was convicted of defamation, sentenced to six months in jail, and ordered to pay \$20,000 in damages. In June, Nicaise Kibel'Bel Oka, editor of the bimonthly newspaper *Les Coulisses*, was given a four-month suspended sentence and ordered to pay \$3,000 in damages for allegedly libeling a customs official in a 2012 article that implicated him in fraud. The judgment was being appealed as of year's end. The DRC does not have an access to information law.

Local media outlets are subject to regulation by the High Authority on Media (HAM). The agency's mandate is to ensure freedom of expression, but it has the power to temporarily suspend outlets for hate speech and other serious ethical transgressions, and its decisions have at times been criticized as politically biased. In 2009, the National Assembly passed a bill establishing the High Council for Broadcasting and Communication (CSAC), another regulatory agency tasked with guaranteeing the freedom and protection of the media. Journalists' rights groups have long criticized the CSAC for its vulnerability to political manipulation and apathy regarding the prosecution of crimes against journalists. However, in an August 2013 judgment, the High Court of Kinshasa/Gombe found the CSAC guilty of harassing Léon Nembalemba, who was awarded \$40,000 in damages. Nembalemba is the owner of the private station Molière TV and hosts its flagship show, *Kin Makanbo*, which the CSAC in April suspended for 30 days. The regulator then failed to lift the suspension, prompting Nembalemba to take his case to the court.

Journalists and media outlets face censorship and harassment from multiple sources, including national and local government officials, members of the security forces, and nonstate actors. The government continued to suspend broadcasts and shutter outlets in 2013. In March, the minister of posts, telecommunications, and new information technologies withdrew the operating licenses of nine radio and television outlets in Kinshasa for failing to pay their annual licensing fees of approximately \$24,000. A southeastern station, Radio Télévision ya Lisano, was shut down for a month on July 13 by a court in Kolwezi, where the station is based, for airing separatist remarks from an armed militant group. After 37 days, the station was reopened by order of the Court of Appeals. The director of the station was arrested over the comments and held for 100 days before being released conditionally on bail.

Detentions, extrajudicial questioning, threats, and kidnapping are common in the conflict-plagued eastern regions of the country, especially given the tense situation between the March 23 Movement (M23) rebel group and the Congolese army. Both parties to the conflict attempted to monitor and control what was

reported in 2013. In November, Sagesse Kamwira, a journalist with Canal Congo Télévision-Radio Liberté Kinshasa, was kidnapped by armed individuals who accused her of possessing documentation of a murder in Beni, North Kivu Province. After three days, Kamwira's kidnappers threw her into a river; she managed to free herself and was found alive by the national police and Congolese troops. Blaise Bahisha, the manager of Radio Sauti ya Rutchuru, was held for 52 days by government forces in Goma, the capital of North Kivu, on the grounds that he was a suspected M23 spy. However, such incidents are generally confined to the eastern region, and conditions countrywide improved in 2013, as attacks against journalists decreased from 90 in 2012 to 69 in 2013, according to the Committee to Protect Journalists (CPJ).

Two journalists were killed in 2013, though it was unclear whether the killings were connected to their work. Tatiana Kahashi, a reporter for Radio Colombe, was one of eight civilians caught in cross-fire between two rival factions of M23 in February. However, Kahashi's colleagues voiced suspicions that her killing was a deliberate act; in late 2012, she left the DRC for a time after reportedly receiving explicit threats from a rebel leader. In May, Guylain Chandjaro, a volunteer host at the community radio station Radio Canal Révélation, was missing for 12 days before his body was found in the Ngezi River, near Bunia in Orientale Province. Chandjaro was found partially clothed with extensive stab wounds and evidence of strangulation. While the murder was under investigation by the state prosecutor, no arrests had been made by year's end.

According to Ministry of Communications data from 2012, there were 134 television stations, 463 radio stations, and 445 newspapers registered in the country. Given its low literacy rates and deep poverty, the population of the DRC relies largely on radio broadcasts to receive news reports. Only a few stations, including state-run Radio-Télévision Nationale Congolaise (RTNC), have nationwide reach. Many private newspapers are published, particularly in Kinshasa, and although they are not always objective, they are often highly critical of the government. There are several hundred privately owned radio and television stations, in addition to three state-owned radio stations and a state-owned television station. The state broadcasters reportedly favor Kabila's party, though other political parties represented in the government are occasionally given airtime. The only independent radio network with nationwide reach, Radio Okapi, is funded by the United Nations and Swiss-based Fondation Hironnelle, and it has set new standards for reporting and media objectivity in a volatile political environment. The British Broadcasting Corporation and Radio France Internationale are also available in several cities on FM radio. Most private media outlets are reportedly owned by public figures and businessmen, and are used for political propaganda rather than objective reporting. Journalists at major outlets are usually poorly paid and lack sufficient training, leaving them vulnerable to bribery and political manipulation.

While internet access has spread in urban areas thanks to the proliferation of private, affordable internet cafés, only about 2 percent of the population had access to the medium in 2013. The government does not restrict access to the internet or monitor its content.

## **2014 Scores**

### **Press Status**

Not Free

### **Press Freedom Score**

**(0 = best, 100 = worst)**

## **Legal Environment**

**(0 = best, 30 = worst)**

24

## **Political Environment**

**(0 = best, 40 = worst)**

31

## **Economic Environment**

**(0 = best, 30 = worst)**

24